

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION**

UNITED STATES OF AMERICA,                          )  
    )  
    )  
Plaintiff,    )  
    )  
vs.    )    Case No. 10-6016-01-CR-SJ-GAF  
    )  
    )  
SERAFIN RODRIGUEZ-GONZALEZ,                    )  
    )  
    )  
Defendant.    )

**ORDER**

Now pending before the Court is Defendant's Motion to Suppress (Doc. #25). Defendant argues that (1) the initial warrantless entry into the residence at 2517 West 45th Avenue was improper, (2) the ensuing protective sweep was improper, and (3) the eventual search of the residence was performed prior to obtaining a warrant.

On December 28, 2010, United States Magistrate Judge John T. Maughmer conducted an evidentiary hearing on Defendant's motion. On February 15, 2011, United States Magistrate Judge John T. Maughmer issued his Report and Recommendation (Doc. #36).

Upon careful and independent review of the pending motion and suggestions in support thereof, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge John T. Maughmer.

Accordingly, it is hereby ORDERED that Defendant's Motion to Suppress Evidence (Doc. #25) is OVERRULED and DENIED.

SO ORDERED.

s/ Gary A. Fenner

Gary A. Fenner, Judge  
United States District Court

DATED: March 7, 2011